

Remarks

Claims 1-5 are pending in the subject application and before the Examiner for consideration. In view of the remarks set forth below, favorable consideration of the claims now presented is earnestly solicited.

As an initial matter, Applicants wish to thank the Examiner for the inquiry into the appropriate correspondence address. By separate paper attached to this response, the applicants are submitting a request to correct the correspondence address.

The applicants also wish to thank the Examiner for the telephonic interviews of May 5, 2004 and May 12, 2004. The following remarks reflect the substance of those interviews.

Claims 1-5 have been rejected under 35 U.S.C. § 102(b) as anticipated by Kita *et al.* (JP 10-112335) or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Kita *et al.* in view of the Merck Chemical Database.

The applicants respectfully submit that the Kita *et al.* reference does not disclose each and every element of the claimed invention. Specifically, referring to the April 2003 translation of the Kita *et al.* reference, it can be seen that Kita *et al.* specify an electrolyte solution wherein 0.1 to 10 part by weight of fluorobenzene is present together with 100 part by weight of solvent to form an electrolytic solution. Conversion of part by weight to volume percent yields a maximum volume percent of 11.5% fluorobenzene when ethylene carbonate is the solvent.

In contrast, the applicants are claiming an electrolytic composition wherein the minimum volume percent of fluorobenzene to carbonic acid ester is 12.5:87.5. Thus, the ratios disclosed by Kita *et al.* are outside the range of the claimed invention. Accordingly, based on the remarks herein and the substance of the telephonic interviews, the applicants respectfully request reconsideration of the rejection under 35 U.S.C. § 102(b).

Regarding the obviousness rejection, the applicants submit that the Kita *et al.* reference actually teaches away from increasing the amount of fluorobenzene in solution. Specifically, Kita *et al.* teach that increasing the ratio of fluorobenzene in solution beyond 10 part by weight may deteriorate the properties of an electrolytic battery (paragraph 11). In contrast, the present inventors found that increasing amounts of fluorobenzene improves the low temperature performance cell life

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and high-temperature dischargeability of an electrolyte solution. Thus, it is not obvious to increase the amount of fluorobenzene beyond that which is taught in Kita *et al.* Accordingly, based on the remarks herein and the substance of the telephonic interviews, the applicants respectfully request reconsideration and withdrawal of the rejections set forth under 35 U.S.C. § 103(a).

In view of the foregoing remarks Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

The applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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